

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID LYMAN, *et al.*,

Plaintiffs,

v.

Case No.: 21-10024  
Honorable Gershwin A. Drain

FORD MOTOR COMPANY,

Defendant.

/

**ORDER ACCEPTING AND ADOPTING AMENDED REPORT AND  
RECOMMENDATION [#180], HOLDING IN ABEYANCE FORD'S  
MOTION TO COMPEL ARBITRATION [#101], FINDING REPORT AND  
RECOMMENDATION [#174] MOOT AND SETTING TRIAL SCHEDULE  
FOR ISSUE OF CONTRACT FORMATION**

This matter is before the court on Defendant Ford Motor Company's Motion to Compel Arbitration of Plaintiff Thermon Stacy's claims, filed on March 20, 2023. The matter was referred to Magistrate Judge Elizabeth A. Stafford, who issued an Amended Report and Recommendation on November 3, 2023, recommending that the Court hold Defendant's Motion to Compel Arbitration in Abeyance and proceed to trial on the issue of contract formation.

Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. §

636(b)(1)(C).

Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion. Therefore, the Court hereby ACCEPTS and ADOPTS Magistrate Judge Stafford's November 3, 2023 Amended Report and Recommendation [#180] as this Court's findings of fact and conclusions of law. Defendant's Motion to Compel Arbitration [#101] is HELD IN ABEYANCE. Magistrate Judge Stafford's Report and Recommendation [#174] is MOOT.

A bench trial on the issue of contract formation shall be held on April 9, 2024 at 9:00 a.m.

Witness List shall be exchanged by January 10, 2024.

A Proposed Pretrial Order shall be due on March 15, 2024.

A Pretrial Conference shall be held on March 19, 2024 at 2:00 p.m.

Trial briefs and Witness Synopsis Lists shall be due on April 2, 2024.

Findings of Fact and Conclusions of Law shall be due one week after the close of the parties' proofs.

SO ORDERED.

Dated: December 6, 2023

/s/Gershwin A. Drain  
GERSHWIN A. DRAIN  
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 6, 2023, by electronic and/or ordinary mail.

/s/ Teresa McGovern  
Case Manager